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6 Attorney for Debtors/Defendants
7 ANTHONY THOMAS and WENDI
THOMAS
8

9 UNITED STATES BANKRUPTCY COURT
10 DISTRICT OF NEVADA

11 —ooOoo—

12 In Re: Case No. BK-N-14-50333-BTB
Case No. BK-N-14-50331-BTB
13 ANTHONY THOMAS and
WENDI THOMAS,
14 Chapter 11 Cases
[Jointly Administered]
15 AT EMERALD, LLC,

16
17 Debtors,
18 _____/

19 KENMARK VENTURES, LLC,

20 Plaintiff,

21 vs.

22 ANTHONY THOMAS and WENDI
THOMAS,

23 Defendants.
24 _____/

Adv. Pro. No. 14-05022

**ANSWER TO COMPLAINT FOR
DAMAGES AND TO DETERMINE
DISCHARGEABILITY OF DEBT**

[11 U.S.C. §523(A)(2)]

25 Debtors/Defendants, ANTHONY THOMAS and WENDI THOMAS, by and through
26 their undersigned counsel, Alan R. Smith, Esq., of the Law Offices of Alan R. Smith, hereby
27 files their Answer To Complaint For Damages And To Determine Dischargeability Of Debt
28 as follows:

I. JURISDICTIONAL ALLEGATIONS

1. Defendants admit the allegations contained in paragraph 1.
2. Defendants admit the allegations contained in paragraph 2.
3. Defendants believe that no response is required to paragraph 3.
4. Defendants admit the allegations contained in paragraph 4.
5. Defendants admit the allegations contained in paragraph 5.

II. PARTIES

6. Defendants are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in paragraph 6, and therefore deny the same.

7. Defendants admit the allegations contained in paragraph 7, except to the second sentence regarding Wendi Thomas, wherein Defendants believe no response is necessary.

8. Defendants admit the allegations contained in paragraph 8

9. Defendants deny the allegations contained in paragraph 9.

10. Defendants deny the allegations contained in paragraph 10.

11. Defendants deny the allegations contained in paragraph 11.

III. GENERAL ALLEGATIONS

12. Defendants deny the allegations contained in paragraph 12.

13. Defendants are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in paragraph 13, and therefore deny the same.

14. Defendants deny the allegations contained in paragraph 14

15. Defendants are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in paragraph 15, and therefore deny the same.

16. Defendants deny the allegations contained in paragraph 16.

17. Defendants deny the allegations contained in paragraph 17.

18. Defendants admit the allegations contained in paragraph 18, except the last

1 sentence referencing Exhibit A which Defendants deny.

2 19. Defendants deny the allegations contained in paragraph 19.

3 20. Defendants admit the allegations contained in paragraph 20.

4 21. Defendants deny the allegations contained in paragraph 21.

5 22. Defendants admit the allegations contained in paragraph 22.

6 **FIRST CLAIM FOR RELIEF**

7 **Money Damages for Breach of Settlement Agreement**

8 23. Defendants reallege and incorporate herein by this reference each of the
9 statements contained in paragraphs 1 through 22 above as though fully set forth herein in full.

10 24. Defendants admit the allegations contained in paragraph 24.

11 25. Defendants admit the allegations contained in paragraph 25.

12 26. Defendants admit the allegations contained in paragraph 26.

13 27. Defendants admit the allegations contained in paragraph 27.

14 **SECOND CLAIM FOR RELIEF**

15 **Nondischargeability - Fraud (Intentional Misrepresentation)**

16 **[11 U.S.C. §523(a)(2)]**

17 28. Defendants reallege and incorporate herein by this reference each of the
18 statements contained in paragraphs 1 through 27 above as though fully set forth herein in full.

19 29. Defendants deny the allegations contained in paragraph 29.

20 30. Defendants deny the allegations contained in paragraph 30.

21 31. Defendants deny the allegations contained in paragraph 31.

22 32. Defendants deny the allegations contained in paragraph 32.

23 33. Defendants deny the allegations contained in paragraph 33.

24 34. Defendants deny the allegations contained in paragraph 34.

25 35. Defendants are without sufficient information or knowledge with which to form a
26 belief as to the truth or falsity of the allegations contained in paragraph 35, and therefore deny the
27 same.

28 36. Defendants deny the allegations contained in paragraph 36.

37. Defendants are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in paragraph 37, and therefore deny the same.

38. Defendants deny the allegations contained in paragraph 38.

THIRD CLAIM FOR RELIEF

Nondischargeability - Fraud (Concealment)

[11 U.S.C. §523(a)(2)]

39. Defendants reallege and incorporate herein by this reference each of the statements contained in paragraphs 1 through 38 above as though fully set forth herein in full.

40. Defendants deny the allegations contained in paragraph 40.

41. Defendants deny the allegations contained in paragraph 41.

42. Defendants deny the allegations contained in paragraph 42.

43. Defendants deny the allegations contained in paragraph 43.

44. Defendants deny the allegations contained in paragraph 44.

45. Defendants are without sufficient information or knowledge with which to form a belief as to the truth or falsity of the allegations contained in paragraph 45, and therefore deny the same.

46. Defendants deny the allegations contained in paragraph 46.

WHEREFORE, Defendants pray that Plaintiff take nothing by reason of its Complaint, and for the award of reasonable attorneys' fees and costs to Defendants.

DATED this 10th day of July, 2014.

LAW OFFICES OF ALAN R. SMITH

By: /s/ Alan R. Smith
ALAN R. SMITH, ESQ.
Attorney for Debtors/Defendants